

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 1:18-cv-24227-CMA

JASON MILLER,

Plaintiff,

v.

GIZMODO MEDIA GROUP, LLC,
a Delaware Corporation, KATHERINE
KRUEGER, individually, and
WILL MENAKER, individually,

Defendants.

**UNOPPOSED MOTION TO EXTEND DEADLINE FOR
DISCLOSURE OF EXPERT AND REBUTTAL WITNESSES**

Plaintiff, Jason Miller (“Miller” or “Plaintiff”), by counsel, moves to extend the deadline in which to disclose expert witnesses set forth in the Amended Scheduling Order [Doc. 101] (the “Order”), and states as follows:

1. On April 1, 2019, the Court entered the Order, which set April 8, 2019, as the deadline for the parties to exchange expert witness summaries or reports and April 22, 2019 as the deadline for exchange of rebuttal expert witness summaries or reports.

2. Plaintiff’s expert is in the process of working on his report due April 8, 2019, but has been delayed as the parties work on exchanging discovery that will be relevant to Plaintiff’s expert’s opinions. Plaintiff’s expert also needs to incorporate information relevant to his opinions that is contained in documents that were not produced until early this week because the parties were waiting on the entry of the Confidentiality Order [Doc. No. 100].

3. Given the production of documents this week and the need for additional information the parties are cooperating in trying to exchange, all of which Plaintiff's expert will need some additional time to analyze and incorporate into his report, Plaintiff is requesting to extend the initial expert disclosure and the corresponding rebuttal expert disclosure deadline by ten days each – making the initial disclosure due April 18, 2019, and rebuttal disclosure due May 2, 2019.

4. The requested extension will not impact the trial date which is presently set for the trial term beginning September 3, 2019 or the deadline to file pre-trial motions set for June 27, 2019.

5. This request for extension of time is made in good faith and is not for the purpose of delay. The requested extension will not prejudice any party or the Court.

WHEREFORE, Plaintiff, Jason Miller, respectfully requests that the Court extend the deadline within which to disclose expert witnesses to April 18, 2019, and the deadline within which to disclose rebuttal expert witnesses to May 2, 2019.

Good Faith Certification Pursuant to Local Rule 7.1(a)(3)

Counsel for Plaintiff conferred with counsel for Gizmodo and Krueger who does not oppose the relief requested herein. Counsel for Plaintiff did not confer with counsel for Menaker, who is contesting personal jurisdiction.

Dated: April 5, 2019.

Respectfully submitted,

/s/ Shane B. Vogt

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 5, 2019, the foregoing document was filed with the Court's CM/ECF system, which will send electronic notice to all counsel of record.

/s/ Shane B. Vogt

Attorney

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Plaintiff,

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GIZMODO MEDIA GROUP, LLC,
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Defendants.

**[PROPOSED] ORDER GRANTING UNOPPOSED MOTION TO EXTEND DEADLINE
FOR DISCLOSURE OF EXPERT AND REBUTTAL WITNESSES**

THIS CAUSE having come before the Court upon Plaintiff's Unopposed Motion to Extend Deadline for Disclosure of Expert and Rebuttal Witnesses [Doc. 103]. The Court, being fully advised in the premises, hereby ORDERS and ADJUDGES that:

Plaintiff's Unopposed Motion to Extend Deadline for Disclosure of Expert and Rebuttal Witnesses [Doc. 103] is GRANTED. The deadline within which to disclose expert witnesses is extended from April 8, 2019 to April 18, 2019. The deadline within which to disclose rebuttal expert witnesses is extended from April 22, 2019 to May 2, 2019. All remaining deadlines in the Amended Scheduling Order [Doc. 101] remain in full force and effect.

DONE AND ORDERED in Miami, Florida, this _____ day of _____, 2019.

CECILIA M. ALTONAGA
U.S. District Court Judge

Copies furnished to:
All counsel of record